

In compliance with the Open Public Meetings Act of the State of New Jersey adequate notice of this meeting has been mailed to The Daily Record and posted at the municipal building.

ROLL CALL:

Members Present: Joe Fleischner, Dan Nelsen, Judy Johnson, Steve Bedell, Brian Schaechter, Scott Van Ness, John Mania, David Koptyra, Michael Koroski

Members Excused: Howie Weiss, Nelson Russell

Professionals Attending: Chuck McGroarty, Planning Consultant, Tiena Cofoni, Esq. Catherine Natafalusy, Planning Administrator

Professional Excused: Eugene Buczynski, P.E., Ed Buzak, Esq.

APPLICATION #PB 13-04 – AIMEE KREWINSKI – BLOCK 6900, LOT 19

MR. FLEISCHNER: Before we start with the approval of minutes if anyone is here for PB 13-03 Aimee Krewinski it is adjourned and carried to the June 20 meeting.

APPROVAL OF MINUTES

March 14, 2013 Public Meeting

Motion: John Mania
Second: Steve Bedell

Roll Call:

Joe Fleischner - yes
Dan Nelsen - yes
Steve Bedell - yes
Brian Schaechter - yes
John Mania - yes
David Koptyra - yes

APPROVAL OF RESOLUTIONS

Resolution #PB 13-05 – Kevin & Jennifer Powers – Block 4600, Lot 6.09

Motion: Steve Bedell
Second: John Mania

Roll Call:

Joe Fleischner - yes
Dan Nelsen - yes
Judy Johnson - yes
Steve Bedell - yes
Brian Schaechter - yes
Scott Van Ness - yes
John Mania - yes
David Koptyra - yes

Resolution #PB 13-06 – Hackettstown Congregation of Jehovah Witness – Block 8300, Lot 5.01

Motion: Scott Van Ness
Second: Dan Nelsen

Roll Call:

Dan Nelsen - yes
Steve Bedell - yes
Brian Schaechter - yes
Scott Van Ness - yes
David Koptyra - yes

COMMITTEE REPORTS

MR. FLEISCHNER: Okay committee reports, Judy do you have a report from the Mayor?

MS. JOHNSON: Yes I have a report from the Mayor. He has two items, one is that they are moving forward with plans for a new tot lot at Turkey Brook Park and the second is that Council is moving forward with an ordinance that's related to use of the tree bank. They want to remove the decision from the Planning Board and put it on Council just to speed up the process and eliminate minor issues such as that from the Planning Board.

MR. FLEISCHNER: Anybody want to comment on that?

MR. BEDELL: What trees out of curiosity? Like were they . . .

MR. FLEISCHNER: The tree bank, the money in the tree bank.

MR. VAN NESS: I think that, if I may?

MR. FLEISCHNER: Yes please.

MR. VAN NESS: I think that we should not respond to that until Howie has an opportunity to have some input on it and I think that we should ask the Council not to take action on it until the Planning Board is able to provide it with a better answer.

MS. NATAFALUSY: Well the ordinance would come back to the Board if they're changing the . . .

MR. VAN NESS: But it might save, it may save some headaches later if at least everybody you know . . . I think Howie is better versed at it then most of us as far as the tree bank is concerned.

MR. FLEISCHNER: I think it also should be discussed by the environmental commission as well. Because it does impact trees within the town.

MR. MCGROARTY: Well it's really just an authorized payment. It's not a decision as to where trees go or what type it's just an authorized payment.

MR. VAN NESS: I'm sorry I may have misunderstood it then.

MS. NATAFALUSY: It's just like when Jim came to the Board two ago or months ago to ask for a recommendation, they're kind of cutting this portion out and it's just going to go straight to Council.

MR. VAN NESS: But they would still come to the Board for the planting of how they're planting the trees?

MS. NATAFALUSY: No. Like I said Jim wouldn't have to come to us anymore he'd go straight to Council and ask for money from the tree bank. Rather than the Board recommending it they're cutting that process out it's just going to go straight to Council.

MR. VAN NESS: Yeah I think we should wait.

MR. FLESICHNER: Yeah I would be against that personally.

MR. BEDELL: So would they go to Council anyway because if they came here would they still have to go to Council after they're here?

MS. NATAFALUSY: Yes.

MR. FLEISCHNER: But still this Board has some input when people come and ask, the trees and I know this Board has also provided input as to different types of trees, is the Council going to do that? Is the Council going to speak with the environmental commission?

MR. VAN NESS: That's my concern is that we're going to lose any input whatsoever and I don't think that's necessarily appropriate at this point.

MR. MANIA: As a member I think your right it should come to this Board.

MR. FLEISCHNER: I mean it's not an issue of the dollars being spent I think it's just a matter of knowing where different developments are, etc. and what the Board has approved, it just makes more sense.

MR. MANIA: The Board has more knowledge then the Council does at this point.

MR. FLEISCHNER: And John you're better equipped to answer that than anybody.

MR. MANIA: Yep.

MR. VAN NESS: So I don't necessarily object I just think it should be discussed more when the king is here.

MS. JOHNSON: Do I convey that back?

MR. FLEISCHNER: Yes.

MS. JOHNSON: Okay.

MR. SCHAECHTER: John was that Administration or was that Town Council that decided to bring that up?

MR. MANIA: It had to be the Administration I don't remember discussing it at a Council meeting.

MR. FLEISCHNER: Anything else Judy?

MS. JOHNSON: No that's all.

MR. FLEISCHNER: Mr. Mania Council report?

MR. MANIA: I think I had enough to say already.

MR. FLEISCHNER: Nelson is not here for the environmental commission but there was no meeting this month because of the fact that there wasn't enough . . . too many people were traveling and there wasn't any items that needed to be discussed. Ordinance committee we did have a meeting and we will refer to the minutes discussed once we get through the other committee reports and get to the discussion matter. Street naming that's Howie. Open Space?

MS. NATAFALUSY: Dave did you . . .

MR. KOPTYRA: They were supposed to check to see if I was eligible.

MS. NATAFALUSY: Oh okay all right.

MR. FLEISCHNER: That ends that.

DISCUSSION MATTER

DRAFT MASTER PLAN REEXAMINATION REPORT

MR. FLEISCHNER: Okay with that being said what we're going to do is we're going to go Draft Master Plan Reexamination Report and to make it easier for everybody we're going to adjourn to the seats down there and Chuck is going to be in the middle. Chuck I hand it over to you.

MR. MCGROARTY: Thank you Joe. The idea for tonight was to be a little less formal and you know sitting up there and even though it's still a public meeting and Hal Simoff is here which is helpful because a couple of the items are directly related to some of the ideas that he had proposed. But rather than go through the reexamine report, you have a draft and we're going to be making no changes to it. We just thought it would make more sense to maybe zero in on some of the more important things and all joking aside (inaudible) I mean this is an opportunity where you actually, this is your baby. So we're

talking about changes to the Land Use Plan, some zoning changes and some other things and this memo is an attempt to sort of strip away a lot of the Administrative stuff, the boring stuff that you're welcome to comment on but it's I don't think you really care whether it's the Planning Administrator or the Engineer or what the fees are. You know you're here as the planners for the town. So that's what we thought we'd do and if we get through all six fine, if we don't I sort of took the liberty of ranking them in what I thought would be the more important but at least some of the ones that will maybe take a little extra time. So with that Joe if that's okay?

MR. FLEISCHNER: Absolutely please.

MR. MCGROARTY: As I mentioned Hal Simoff is here Mr. Simoff has been in front of the Board before and maybe Joe would it be okay if he sits up with us for a bit while we talk about this?

MR. FLEISCHNER: As long as the Board members have no issue with it.

MR. MCGROARTY: Just to make it a little easier. Well the first thing is Hal's project was for those of you who are not familiar with it it's the acreage which surrounds the Board of Education building on Route 46. Was everyone here when that was approved or when it came back? Okay so what I did was I gave just a real quick summary of this and since its Hal's property he at some point no doubt will want to go into more detail but a total of 63 acres and it has frontage on Route 46. If you're traveling eastbound you'll see that area is disturbed right by the Board of Education property and there's some snow fencing or some kind of fencing. And the property does wrap around the Board of Education building and extends up to the Trading Post property correct?

MR. SIMOFF: Yes.

MR. MCGROARTY: The property has been approved and you have the information in here it started out as an age restricted residential project with an affordable housing section which is important for the town that there be affordable housing with it. Hal came back as is his right under the law and got the project converted from age restricted to non-age restricted and then still the COAH units are there. And so that project still has approvals. Now what Hal came to us recently, this map is probably not going to help us because it's at too large of a scale, but on the memo what I did was I took a shot I did mine in color I'm going to keep your up.

MR. SIMOFF: I've got some aerials.

MR. MCGROARTY: Okay good. And what Hal is looking at while he's passing that out . . .

MR. FLEISCHNER: Should we since this is a public meeting exhibit that or because it's not really an application we're just you know . . .

MS. NATAFALUSY: This is just a discussion matter.

MR. VAN NESS: It's just reference.

MS. COFONI: Yeah I don't think we need to mark those.

MR. MCGROARTY: And Joe correct me if I'm wrong but there's no votes or anything on that.

MR. FLEISCHNER: I don't believe so.

MR. MCGROARTY: Right so but the idea here is to as your passing that out, Hal is looking at suggesting to us 6 to 7 acres of land. While you're looking at this the request was can we take 6 to 7 acres starting with the Board of Education building which the Board of Education building is actually in the Commercial/Light Industrial zone. It's like a remnant of what was a large Commercial/Light Industrial zone out there.

MR. SIMOFF: My property was originally zoned C-LI.

MR. MCGROARTY: That's correct. So when . . . Hal has owned that, he and his company has owned this property for many years. Hovnanian first came in and the zoning was changed to the R-6 Age Restricted. And so the Board of Education was left in that Commercial/Light Industrial because it didn't fit R-6 obviously. Quite frankly it's out of place now; the Commercial/Light Industrial is the zoning in place for ITC South the regional mall. And so there will be time down the road to discuss the particulars

of this. But the long and short of it was the request is can we take the property from the Board of Education straight over to the Trading Post and rezone that to some type of commercial use. And when Hal came in and met with the ordinance committee there was some discussion about perhaps it would be, change it all to the Commercial/Light Industrial or perhaps change it all back to C-1 zone which is predominant along Route 46 at least in Budd Lake. And that's the first item for discussion. Now the second item relates to that but I think it's best to keep it separate because that has to do with a particular proposal for this area and that may complicate the discussion. I think the first question is, is that do you think there's some merit there to look at that and go back and make that commercial. One last thing to say about that as an introductory comment which I mentioned in the memo. The ordinance committee had concerns, we had concerns the last thing the Township wants to do even with the owner's cooperation is to rezone property and then cause that to have a detrimental effect on the site plan that's been approved for residential. And so we ask Hal to go back and check and then Gene and I checked independently and then I checked the numbers that Hal gave us, we wanted to make sure that if he were to take away 6 or 7 acres out of that 63 acre tract of land that it's not going to affect the permitted density. Because the more acreage you take away the density changes, lot coverage, etc., etc. And at least my initial review of it is it would not have an adverse impact on the approved plan. Otherwise if it did I don't think we'd even talk about it.

MR. BEDELL: The lot behind the Board of Education building that's . . . we passed that years ago for I guess it's now unrestricted age wise.

MR. MCGROARTY: That's correct.

MR. BEDELL: Okay so I just want to keep that in mind so I guess whatever you're looking for to put potentially there there's enough space, distance between residential and that commercial area.

MR. MCGROARTY: Yes.

MR. KOPTYRA: Isn't the Board of Education building for sale?

MR. MCGROARTY: Yes.

MR. FLEISCHNER: They're trying to sell it but you know it's difficult.

MR. MCGROARTY: By the way the change if just for discussion sake if the zoning change from Commercial/Light Industrial to say C-1 zone it wouldn't hurt the marketability of that property in my opinion anyway. Because, before we get into the pros and cons of whether it's C-LI or Commercial you know I'm sure you guys want to say a lot of stuff about it, I just want to say it really wouldn't hurt the Board of Education because it's still going to give them a wide range of permitted uses, commercial, office, etc.

MR. VAN NESS: If you look at the map the delineated property you see is currently one property except for the Board of Education and except for the Trading Post. The new line that's down, that splits them is now that's the section that they want to split off. Just so you guys who weren't here last year that property is now one piece. That's what they are looking to split.

MR. FLEISCHNER: Then you would have a strip that was however we were to decide if we were to recommend that would be then a commercial strip going all the way to the where the . . . opposite Home Goods is, etc. that would all be commercial.

MR. MCGROARTY: Yes.

MR. NELSEN: I was not here last year for this application, I'm looking at what's outlined here in red dotted lines, I see the 6.75 acre piece between the Board of Education and the Trading Post and I see another piece in the back. The overall property is 63 acres?

MR. SIMOFF: its 63 acres.

MR. FLEISCHNER: And that includes what's in the back (inaudible) in the front so you would lose 6.75 that's listed there.

MR. MCGROARTY: Would it be helpful to get the site plan?

MR. NELSEN: Well I'm looking at this and this is good but is your property limited to what's inside the red dotted line?

MR. SIMOFF: No it goes back.

MR. MCGROARTY: Dan that's a good question. If you don't mind Joe we'll get the site plan because

MR. FLEISCHNER: No.

MR. SIMOFF: And one of the points is that so from the western edge of the Board of Education property all the way through to Budd Lake Road the frontage would be commercial.

MR. MCGROARTY: It would go back about 300, 350 feet or so from the highway.

MR. SIMOFF: Right.

MR. MCGROARTY: I mean conceptually obviously we're not . . .

MR. SIMOFF: And then the problem is the topography because that parcel is much lower than the back piece so there's no interconnection. The frontages would be this section here.

MR. MCGROARTY: And Dan as we said

MR. SIMOFF: Between the Trading Post, yeah right there.

MR. MCGROARTY: Although the project that has approval of course is not built but there are no units, there are no basins; there is no infrastructure in this area. I mean if there were on the plans that of course and even if you were considering this then of course he'd have to come back. He'd have to come back anyway, Hal will have to come back if he were to change it and modify the site plan for the residential. But there is nothing on these approved plans which you'll see in a moment in this area. The footprints are all further up.

MR. SIMOFF: Let me just say we have a builder interested and we're negotiating and it would take the layout basically the way it is. They're going to make the units a little bit smaller.

MR. FLEISCHNER: I don't think we should actually get into that because that's a separate application. I think what concerns us for this is whether or not it's appropriate to change a portion of your property to some form of commercial. And one of the things we have to keep in mind and we don't want to create a situation where someone can come back and say well you did spot zoning. So that's something which you have to keep in mind but for some of us Board members we remember, I mean Scott will remember we have done similar things we did this with the Dorlon property at the bottom of Hackettstown hill. That what was two years ago maybe?

MR. VAN NESS: Probably more.

MR. FLEISCHNER: 2010.

MR. MCGROARTY: But that was with the Board of Adjustment though.

MR. FLEISCHNER: No, no that was with the Planning Board.

MS. NATAFALUSY: You're talking about when Mr. Dorlon came in for his application, he's talking about when we rezoned that property to the PC.

MR. FLEISCHNER: When we rezoned that property. So precedence has been set to do this (inaudible) and John would know better than anybody correct me if I'm wrong but we've already established a precedent that we have rezoned areas so it would not be spot zoning.

MR. MCGROARTY: Can I say one thing?

MR. FLEISCHNER: If I'm correct.

MR. MCGROARTY: Well yeah and first Tiena ultimately I would defer to Tiena. Let me say something on it because I have been in cases about spot zoning. First of all you're right we have rezoned other properties that you know the Active Recreation zone, the Dorlon site but there's a bunch of cases and obviously Tiena will guide us through that. But one thing that really struck me is this is a case I looked at quite some years but in New Jersey on this special spot zoning that says, among other things, that if your intention is to further the welfare of the entire municipality as part of a comprehensive plan, and that's what we're talking about here a Master Plan Comprehensive Plan it is of no moment that the private interests will simultaneously benefited from the rezoning. And then just one other thing a little bit more current about the spot zoning is the use of zoning power to benefit particular private interests rather than the collective interests of the community, and it goes on. So the issue here really with all due respect to Hal whom I like is who cares whether it helps him. The real issue is obviously we don't want to do something that's detrimental to property owners but really the question that you get to discuss and decide is it something you think is good for the town and is appropriate and part of the overall zone plan. And that's why I think Joe is absolutely correct its better that we don't discuss what Hal may or may not be able to do with anybody. So that's I think the context in looking at it and plus you know ultimately again Tiena may want to amplify that or modify what I said but I'm confident that if we come up with a rational basis for zoning changes and we go through the appropriate process which is a Master Plan Amendments and the like and not just rush an ordinance through then we're doing it the correct way.

MR. MANIA: Chuck I think the key to this whole thing is that it's not going to have an adverse effect on an approved site plan.

MR. MCGROARTY: Well that is key absolutely John I mean that's a threshold question without that But even more importantly is, is it appropriate overall for the town zone plan. And in this case you know the area around Route 46.

MR. BEDELL: Is Route 46 (inaudible) commercial.

MS. COFONI: That actually leads to my question Chuck, what is I guess I don't have a real understanding of like what's the Trading Post property zoned right now?

MR. MCGROARTY: Right the Trading Post is actually,

MS. NATAFALUSY: C-1.

MR. MCGROARTY: It's C-1 but no what's that little spot I can't remember is that the house?

MS. COFONI: No that was like the Trading Post.

(INAUDIBLE – EVERYONE TALKING AT ONCE)

MS. COFONI: Where are the houses?

MR. MCGROARTY: The Trading Post is this little dot here which is C-1, the other property . . .

MR. SIMOFF: I think it's C-1 also.

MR. MCGROARTY: The house actually falls into the residential.

MS. COFONI: Which is right next door right? I'm assuming all of this is residential.

MR. MCGROARTY: You can see it on here, well perhaps not that well but I'm pointing here to the Trading Post that's in the C-1 zone. The R-6 zone actually comes right down, the house itself next door when I looked into it I think it's in the R-3 zone which is just to the east.

MS. COFONI: What about the Board of Education?

MR. MCGROARTY: The Board of Education is in the Commercial/Light Industrial.

MS. COFONI: Okay.

MR. MCGROARTY: Because as Hal said before this whole 62 acre tract was going back a number of years when we first made it C-LI this was all of the Commercial/Light Industrial zone. The thought was

ultimately it would extend over into the International Trade Center South, but because of environmental constraints and so on it didn't.

MS. COFONI: So what's across the street? What's the Home Goods and all of that?

MR. MCGROARTY: That's Village Green that's R-5 Multi-Family.

MS. COFONI: Even this property?

MS. NATAFALUSY: No that part is the C-1.

(EVERYONE TALKING AT ONCE)

MR. MCGROARTY: It's all the commercial zone in the C-1 except you get down to the public, what is it called . . .

MS. NATAFALUSY: PB yeah.

MR. MCGROARTY: Yeah I'm sorry the Village Green shopping center is C-1.

MR. FLEISCHNER: Right now what you have is Commercial on Route 46 (inaudible).

MR. MCGROARTY: And when before it was C-LI it was C-1 it was the C-1 zone along the highway.

MS. COFONI: I'm just looking to see you know just practically if this were to become C-1 I mean you've got it right next door and across the street it's going to essentially create almost like a big circle of all C-1 which would be consistent with the area.

MR. MCGROARTY: Yeah I mean the only zoning along Route 46 from, and again right from down here and down from Wolfe Road all the way down to Netcong is C-1 except some years ago on the westbound side we changed it to the Professional Business. Because there was so many, the properties just weren't deep enough for C-1. So the C-1 and the C-2 zoning is pretty standard for Mt. Olive its Route 46 and Route 206. So we're not coming up with a new zone is really what we're saying.

MR. BEDELL: Hey Chuck?

MR. MCGROARTY: Yes.

MR. BEDELL: Can you give us a differentiation between C-1 and C-LI?

MR. MCGOARTY: Yeah.

MR. BEDELL: I know it's the Commercial/Light Industrial but what's the difference?

MR. MCGROARGTY: I think the short answer is, and Scott is laughing because I never give short answers, is that the C-1, C-2 zones are almost identical but they're the highway zoning C-1 is one acre, C-2 is two acre. Virtually the same kinds of uses small variations. The Commercial/Light Industrial begins a minimum of 5 acres and it's anticipated and you can tell from the name but we weren't really sure what it was going to turn out to be so it was going to be Commercial/Light Industrial. So you can do all the kinds of commercial stuff and you can do all kinds of light industrial stuff as well.

MR. BEDELL: With a 5 acre minimum.

MR. MCGROARTY: Correct.

MR. BEDELL: Okay, all right.

MS. COFONI: So Chuck going along with that what would be the benefit of changing this to C-1? I guess because if it's already 6 acres I mean would that allow it to be less than . . . like a subdivision of that 6.75 acres? Because if it says C-LI that's Commercial/Light Industrial so I'm assuming, although maybe not 100 percent that all the uses in the C-1 zone are also allowed in the C-LI zone.

MR. MCGROARTY: Well first of all let me start from the beginning. I'm not advocating for it tonight you know you're discussing that Hal brought it to the ordinance committee although I think there is

some reasons to . . . that they're worthwhile in terms of changing it to commercial. But I would not; initially I was thinking it would be if we were to change it it would be fine and perhaps appropriate to change that whole section to Commercial/Light Industrial that's C-LI. I don't think that anymore for a couple of reasons. So if it were to be changed I would suggest it just go back to the C-1 zone and the C-1 zone again allows for a variety of uses, we're going to talk about that we just talked about them in the Reexamination Report, probably not tonight and that's a 1 acre lot requirement.

MR. BEDELL: Minimum of 1 acre.

MR. MCGROARTY: Correct so Tiena to your question if it were 6, 7,8,10 acres or whatever the case may be yes then it's potential for a resubdivision of that tract or that area to 1 acre lots subject to the environmental evaluation, etc.

MS. COFONI: I guess I may be a little confused here, what is the zone right now?

MR. SIMOFF: R-6.

MS. COFONI: Oh for some reason I was thinking it was zoned C-LI.

MR. MCGROARTY: Let me just do it again. One more time . . .

MS. COFONI: All right I'm with you now, now I understand the change.

MR. MCGROARTY: There's no reason why anyone should get this right away because it just . . . this little portion out here is C-LI the Board of Ed building which is unusual to see that kind of zoning (inaudible) to just one tract out line in an island out there. And as I explained earlier it's like the remains it's almost like the glacier came through and left that.

MS. COFONI: Okay.

MR. MCGROARTY: The rest of this is now R-6 and it's been that for 10 years so this was age restricted now it allows for that.

MS. COFONI: Okay yeah I'm sorry okay.

MR. MCGROARTY: That's okay and Trading Post at the end of the eastern edge is C-1.

MS. COFONI: And across the street C-1, gotcha.

MR. MCGROARTY: There's no C-LI zoning here it starts at International Drive South in toward the mall.

MS. COFONI: Okay now I understand.

MR. FLEISCHNER: Therefore with (inaudible) rationale to changing it to C-1 rather than . . . and then would allow for further development of highway frontage which you have commercial anyway you're kind of in a way like in a commercial zone.

MR. SCHAECHTER: It also gives the Board of Ed (inaudible) if you're going to do it you can do it all because the Board of Ed property would be C-1.

MR. FLEISCHNER: Correct.

MR. MCGROARTY: The other thing about the . . . I may be getting ahead of the discussion a little bit but one of the things that we've proposed in the reexamination report we talked about for a long time is taking hotels and motels out of the C-1 zone as permitted for conditional uses. So what's out on Route 46 today is there but if you agree with this, and ultimately the township Council agrees with it, the C-1 zone would not allow for motel or hotels as it does today. The C-LI zone will still allow motel/hotels because of the location and size, etc. and if we ever see anymore out there who knows. So that's another reason why we don't really think it should stay C-LI because we don't think again I keep saying it's your decision but I don't think you need any more motels or hotels on Route 46. But if it stays C-LI someone could come in and do that. And we know just a reminder but you know the law changed and so if someone files an application tomorrow for a motel on the Board of Ed property or a hotel we

can change the zoning but they're entitled to proceed based on the face that that's C-LI and they're allowed a motel or a hotel.

MS. COFONI: So potentially it could be, and I don't know how this will play into the Board of Ed but potentially you could make all of this and all of this C-1.

MR. MCGROARTY: Yeah.

MR. VAN NESS: That's the discussion.

MR. FLEISCHNER: And that's what I would prefer.

MR. MCGROARTY: Lot 85 on that little thin there is the Board of Ed and that's 5 something acres and then whatever . . . don't be misled the other one says 50 something acres but that's just (inaudible). Hal is talking about 6, 7, 8 acres.

MR. FLEISCHNER: So if we move forward on this you would have C-1 across from C-1.

MR. MCGROARTY: That's correct.

MR. NELSEN: And the Trading Post would become C-1 and the little lot next to the Trading Post?

MR. FLEISCHNER: It already is.

MR. VAN NESS: That currently is a C-1.

MR. MCGROARTY: The Trading Post is . . .

MR. NELSEN: But the little lot next to it?

MR. MCGROARTY: The little lot which I believe has a residential dwelling fronting on Old Budd Lake Road but I believe that that's in the R-3 zone. Now that's something we could discuss that, whether or not . . . and I say I believe because quite honestly I'm not sure if the zoning map was changed correctly when the R-6 zone was changed because it doesn't show it . . . the R-6 zone rezoned two lots and then you added the third subsequent right Hal?

MR. SIMOFF: Right.

MR. MCGROARTY: And if you look at the zoning map it doesn't show the stub which you see on your aerial this little stub it doesn't show that as R-6. But in fact the way the ordinance was drafted Lot 8 was the largest . . .

MR. SIMOFF: That stub is part of . . . there's like 75 feet, we have about 75 feet of frontage on Old Budd Lake Road. And going toward Route 46 is the house and then the next lot is the Trading Post. But they're both owned by the same . . .

MR. MCGROARTY: Put it this way I think it would make perfect sense if you went this route that that house would also go into the commercial zone.

MR. SIMOFF: Otherwise you're going to have an island of R-3.

MR. MCGROARTY: Exactly, exactly.

MS. COFONI: But there's a house that's actually being occupied?

MR. SIMOFF: That's owned by the Trading Post people and they rent it out.

MS. COFONI: They rent it out.

MR. MCGROARTY: And of course they could stay it's a preexisting nonconforming.

MS. COFONI: Right, right.

MR. MCGROARTY: We already (inaudible) about we are aware of these little island situations.

MR. FLEISCHNER: It would be cleaner with that included.

MR. MCGROARTY: Now you don't have to make any decisions tonight obviously and if Howie has different feelings about it but you know that's your call Joe how you want to proceed on this at this point.

MR. FLEISCHNER: Well you know I'd like to have some feedback as to what . . .

MR. MANIA: Get some consensus as to . . .

MR. FLEISCHNER: Yeah as to what . . .

MR. BEDELL: I think it's good I like it I mean it's Route 46 frontage I mean they're across from the strip plaza there isn't much residential on Route 46 over there I mean let's be honest.

MR. VAN NESS: Making it a C-1 zone makes it more consistent with the surrounding properties and the frontage on the highway it only makes sense to allow Mt. Olive to be able to either develop it or not develop it and to the maximum potential. If you limit it to 5 acres you have one potential business that could go there, if you have it as a C-1 that's 1 acre you can have several.

MR. MANIA: I think it's the way to go Joe.

MR. FLEISCHNER: And I don't think the Board of Education will have a problem with it it only benefits them. Well it doesn't . . . it has no

MR. SCHAECHTER: Well it helps if they want to package that land out.

MS. COFONI: Yeah.

MR. SIMOFF: Well they could subdivide it and sell of a piece which they couldn't do now.

MR. MCGROARTY: And again the uses that are permitted in the C-1 zone are the kinds of uses that they would I'm sure be . . . I don't think they're marketing, I would think they're not marketing it for like light industrial use. So if it's office, if it's retail, commercial or whatever all of those kinds of things are permitted in the C-1 zone.

MR. NELSEN: How many acres is the Board of Education property now?

MR. MCGROARTY: It looks like 5 point something on the tax map.

MR. SIMOFF: I think it's 5.53.

MR. NELSEN: So they could turn it into a no tell motel.

MR. MCGROARTY: That's correct.

MR. FLEISCHNER: Now they could.

MR. MCGROARTY: But they could for both. But then under the C-LI or even the C-1 zone they could. Both districts allow motels, whether they're the kind you described is another story. So you know we're saying ultimately we don't think that motels, hotels, etc. should be in the C-1 zone. But right now today they could.

MR. FLEISCHNER: I do have a question though Chuck when you say I think we can go through all of these, what actually can you explain for this group what then the process is?

MR. MCGROARTY: Sure. What we would do is include this in the Rexam report which again you've had a chance to see it you can glance through it. There is probably several dozen zoning changes recommended in there. Actual modification of zone boundaries, changes to classifications of uses, etc. plus a lot of other things, new definitions and so on. It all gets packaged up into this which is only draft document but it ultimately gets packaged up into this reexamination report and we would combine that with a Land Use Plan Amendment to the Master Plan. And again this will pertain to . . . the change we're

talking about pertain to township wide for most of the municipality which is in the Highlands Preservation Area this will still be subservient to their rules. But out here in the Planning Area that does not apply. So we would have this, we would have a Master Plan Amendment, there would be a public hearing one or more whatever it takes, once you've finished that process if the recommendations all go forward then we do the zoning changes. So that will be the steps.

MR. FLEISCHNER: Okay so what we're saying from this first item then my sense is the consensus is that we would want to change, and just speak up if you disagree with me if I'm not saying it right, that the consensus of this Board right now for this item is that it should be included in the Master Plan Reexam as a C-1 zone.

MR. MCGROARTY: That's a good way to put it that's the question in a nut shell.

MS. COFONI: Yes.

MR. SIMOFF: In addition to moving the one house into C-1.

MR. MCGROARTY: By the way you know we'll get to see if we go ahead with this normally whatever gets in there you'll decide, you'll see the boundaries and you'll take a look and you'll decide.

MR. SCHAECHTER: That just makes sense.

MR. FLEISCHNER: Shall we move on then to the next item?

MR. MANIA: Yes.

MR. MCGROARTY: Everybody is okay with that? Okay number two, Hal also proposed the possibility of a Wawa on this portion of the tract; a QuickChek has also been in to see Catherine and Administration. We have, again I don't know if you had a chance to look at the memo or not but for those of you who have been on the Board for a while you know how this works. The town has a standard right now for service stations and it's in that section of the ordinance a service station can have a convenience mart, we had one just last year I think Sandhu's on the highway, and it's listed as a conditional use. So if someone, if I am coming in and I want to do a gas station plus a little store a convenience mart I have to meet a bunch of standards and if I don't they get treated as variances. The ordinance though limits that convenience store to 300 square feet. And it also imposes, and you can look at that when you have a chance, very limited amounts of retail activity. And so I'm sure all of us have been in all of these places Exxon, QuickChek, Wawa, etc. where these stores have grown to the point where they're now, actually QuickChek brought a plan we have right here is 6,500 square feet and they actually have 16 seating they have tables, seating inside.

MS. COFONI: They have tables?

MR. BEDELL: And where is this one?

MR. MCGROARTY: This is just a prototype.

MR. BEDELL: Oh okay.

MR. MCGROARTY: But I know one QuickChek down in East Amwell that I stop in occasionally and yeah they have seating. And the one over in Hopatcong I believe has too.

MR. VAN NESS: Hackettstown as well the one western . . . off of Route 46 West.

MR. MCGROARTY: Oh is that right?

MR. VAN NESS: Yeah.

MR. MCGROARTY: So you know all of these stores now they have like deli's you can get you know we've all seen them so you know they are. So the question is do you want to, we have some options, we can leave things exactly as they are and if Hal or someone else wanted to come in and do this kind of thing they'd have to get a use variance and they'd have to go in front of you and make the case.

MR. SIMOFF: The Zoning Board.

MS. MCGROARTY: It's a combined Board now Hal.

MR. FLEISCHNER: It's actually a Land Use Board.

MR. SIMOFF: Right I've been out of touch.

MR. MCGROARTY: Or we could modify the service station standards in the ordinance today and instead of allowing a 300 square foot store we could allow something much larger. Or a third possibility is we could leave the service station standards as is and create a new category because quite honestly the way I see it anyway the standards that we have in place treat the convenience mart as an accessory to the gas station. And that was a theory, when you pull in to get gas you can run in for those retro types that still smoke cigarettes you can get some smokes, you can get a newspaper or whatever. No offence to anyone that smokes I quit so I can say that. But very limited stuff, but people don't do that anymore in these stores I mean I go to Wawa's practically every day for coffee and stuff I never get gas at Wawa.

MR. SIMOFF: (inaudible) gas, you should.

MR. MCGROARTY: I'm just saying I've seen lines of people getting their lunch and stuff in there. So I think they're two independent kinds of uses plus these stores, these Wawa's and QuickChek's or whatever the case may be Exxon and so on they're not real service stations anymore, I mean they sell gas.

MR. FLEISCHNER: Right so they sell gas they don't do repair right.

MR. MCGROARTY: Or you have the service station with the Dunkin Donuts in it. Or some of them now even have (inaudible).

MR. SCHAECHTER: It's not what it used to be.

MR. MCGROARTY: It's different right. So the question then is you know you have those different possibilities to look at. Now if we make those changes then the secondary question is do you want to see them in you know if you allow them in the C-1 zone then the potential is that they could be anywhere along the highway in the C-1 zone or the C-2 zone as well. Now there are various things we can talk about if you wanted to go that way, then we can take it a step further and say fine. We can make it a conditional use and say you have to have at least say 3 acres. Right now the ordinance standard for a service station is 2 acres. Just before this evening this meeting I looked at the five or six plans of service stations in town that have these convenience marts, not one of them is 2 acres. I think the biggest one is an acre and a half I have the list with me, so some of them are ½ acre.

MR. BEDELL: Do some of them have really large convenience stores?

MR. MCGROARTY: No they have the 300 square foot store.

MR. BEDELL: That's what I was going to say yeah they have 300 square feet.

MR. SCHAECHTER: What's the Shell have by the Trade Zone that's bigger than that.

MR. MCGROARTY: 300 square feet.

MR. BEDELL: It's not really that big though.

MR. MCGROARTY: That's what was approved. My only point Steve is that yeah I mean the 300 square foot stores like Dr. Sandhu just built on his, next to 7-Eleven on Route 46 but none of those gas stations, none of them match the minimum 2 acre lot standard because they predate the ordinance they were there. But we would want to look in terms of if you rent like this 5,000, 6,000 square foot type of store the parking requirements change, the circulation requirements change so that people will get gas and people will go to the stores.

MR. FLEISCHNER: That's why you need larger than . . . I mean you need at least 3 acres maybe more.

MR. MCGROARTY: Probably. And yet in some places they get on much smaller lots but you know then I've seen them and I know a couple that I've looked at Joe but what I don't like about them is that

there's like constant movements between people getting gas and . . . you want to make it big enough so you can avoid . . .

MS. COFONI: Independent movement.

MR. MCGROARTY: Yeah.

MS. COFONI: Where are service stations as conditional uses permitted now just in C-1?

MR. MCGROARTY: C-1 and C-2.

MR. SIMOFF: And C-LI.

MR. MCGROARTY: And C-LI.

MR. FLEISCHNER: Okay Chuck I'm going to ask you the loaded question because I think you're the best expert sitting around this table on these type of facilities. Which do you think is the most appropriate considering the conditions that we have today? When I say the conditions that we have today knowing Route 46 and Route 206, what would be if we the Board were to recommend that yes we allow this type of establishment what is the best size, appropriate size lot that they should be allowed on?

MR. MCGROARTY: Yeah I'm not sure Joe I did look at that I'm curious I want to see what this one is. You know my initial reaction was well if the standard today is 2 acres for a 300 square foot store we should make it at least 3 acres. But then as I said I went back and I looked at the five or six that are in town and none of them are at least meets the minimum 2 acres and they seem to function okay. So it's probably going to be between you know the . . . I think we take (inaudible) some of these out and take a look at some traffic circulation patterns and the like and Gene is not here tonight but I would certainly want his input. I think probably 2 or 3 acre zoning would be fine.

MR. FLEISCHNER: With a gas station.

MR. MCGROARTY: Right.

MR. VAN NESS: What is the Shell Station by the ITC do you know?

MR. MCGROARTY: I can tell you Scott.

MR. SCHAECHTER: What's the 7-Eleven and Luke Oil on Route 206?

MR. MCGROARTY: I can tell you that too.

MR. SCHAECHTER: If you combine those two lots?

MR. MCGROARTY: Oh the 7-Eleven.

MR. SCHAECHTER: On Route 206 because you have the building and then you kind of have the cut thru in between.

MR. BEDELL: The 7-Eleven is not large at all.

MR. SCHAECHTER: No but it's got a nice parking lot size if you combine the two . . . I guess like a Wawa or QuickChek I mean the one that's in . . .

MR. FLEISCHNER: We made them do that.

MR. MCGROARTY: Well we urged them to do it.

MR. SCHAECHTER: Yeah I mean the one that's in Landing I mean that's a nice site, that's a big site.

MR. MCGROARTY: Which one?

MR. SCHAECHTER: In Landing the QuickChek or Wawa they just put up a little over a year.

MR. MCGROARTY: Oh okay where is that?

MR. SCHAECHTER: Right on Lakeside.

MR. MCGROARTY: Yeah? Okay and what do they have a QuickChek and gas station?

MR. SCHAECHTER: One of the larger QuickCheks with tables and the gas.

MR. MCGROARTY: The Luke Oil down there is 30,000 square feet it's six tenths of an acre. And my guess is probably the 7-Eleven is same size or maybe a little less. Probably the same size, ballpark figure it's probably, you put the two together you might get an acre and a quarter out of it something like that.

MR. VAN NESS: The Shell Station functions very well at ITC and that's just under 2 acres right?

MR. MCGROARTY: Yes.

MR. FLEISCHNER: There's one on Route 31 that I always go past and it has gas and it's a Wawa with some tables.

MR. MCGROARTY: Which one is that Joe?

MR. FLEISCHNER: The one on Route 31 once you get off of Route 22.

MR. MCGROARTY: Yeah the Wawa that's the one I go to that's the one I'm talking about and that's on less than an acre.

MR. SIMOFF: No it isn't.

MR. MCGROARTY: No?

MR. SCHAECHTER: Yeah but you know traffic flow is kind of different there.

MR. MCGROARTY: I think it's about nine tenths of an acre it's in Raritan actually right around the corner.

MR. SIMOFF: No I think what you're talking about is Amwell.

MR. SCHAECHTER: No, no there's one in Amwell too.

MR. MCGROARTY: No.

MR. FLEISCHNER: We're talking right off of Route 202.

MR. MCGROARTY: That's the one I go to because I'm in front of . . .

MR. SCHAECHTER: Yeah it's up on Church Street and Route 31.

MR. MCGROARTY: Well just the Exxon with the Dunkin Donuts.

MR. SCHAECHTER: That one has no tables too.

MR. MCGROARTY: Right but that's 1-1/2 acres that's the one on Drakesdale and Route 206. The Shell at Route 46 and International Drive South is 1.3 acres, Sandhu the old one what do you call it now?

MS. NATAFALUSY: BP?

MR. MCGROARTY: Is it BP? He's 1/2 acre he's got that little thing in the back that little store in the back, (inaudible) that's 1/2 acre or a little bit less. And the one just by 7-Eleven over here that you just approved that's seven tenths of an acre. So you can see they're all well under the 2 acre minimum.

MS. COFONI: It just seems like those types of things that are existing now versus what people are talking about are just two completely different uses. That I don't know how you would take one set of standards and have them applicable to both. I mean it seems like you were leaning towards making almost like a new use, a new conditional use and just by listening I mean I haven't seen some of these

bigger ones with the seats, but just by listening to that it seems like they are such a different type of use that you would need to have just a new conditional use.

MR. SCHAECHTER: I mean there's so much C-1 on Route 46 that these things are going to pop up all over. I mean you're going to have a whole fleet of them.

MR. FLEISCHNER: That's why . . . and that's why it would make more sense that the restriction be at least 3 acres.

MR. VAN NESS: I'm thinking half of that. Because one is I don't think that we should necessarily be zoning to restrict appropriate development but then again I don't want us to start approving compactive development. You know where they're trying to squeeze . . . because we still have parking requirements, we still have circulation requirements, we still have ingress and egress requirements. So they're unlikely to be able to conform to or be able to fit these larger stores in a 1-1/2 acre, like that Wawa wouldn't fit in a 1-1/2 acre. How many acres is that is it 3?

MR. SIMOFF: Did you look at that plan that I drew? How many acres was that?

MR. SCHAECHTER: Yeah but you look at the Wawa in Flemington the one that I get my gas in and you get your coffee in and if that's not an acre and a half I mean that's . . .

MR. VAN NESS: But an acre and a half is much larger than . . .

MR. SCHAECHTER: Oh that's a big facility.

MR. NELSEN: Chuck how big is the one on Mount Olive Road? That little gas station on Mount Olive Road?

MR. MCGROARTY: Which one Dan is that?

MR. NELSEN: Route 46 and Mt. Olive Road.

MR. VAN NESS: It's in the island.

MR. MCGROARTY: Where is it?

MR. VAN NESS: By Lucky Garden.

MS. NATAFALUSY: By Lucky Garden that old Amoco or whatever it was.

MR. FLEISCHNER: It's a Valero.

MR. MCGROARTY: Oh that one yeah. I don't know. He doesn't have a convenience mart though does he?

MR. SCHAECHTER: He sells cigarettes or something.

MR. FLEISCHNER: But he didn't sell the million dollar ticket yesterday. Neils did.

MS. NATAFALUSY: Who's Neils?

MR. FLEISCHNER: Neil right in the Plaza where the Farmers Market, the million dollar ticket was sold last night for the Power Ball.

MR. MCGROARTY: I don't know did you give us a (inaudible)?

MR. SIMOFF: I gave you a sketch.

MR. MCGROARTY: I don't have it.

MS. JOHNSON: Can I ask a question?

MR. MCGROARTY: Sure.

MS. JOHNSON: Would this type of change allow for those service stations and that then also is a convenience store but they start putting in the express Taco Bell and express Subway. Or is that a different kind of establishment?

MR. BEDELL: This is longer a service station.

MR. SCHAECHTER: It's the same thing.

MS. COFONI: It would be functionally part of the same thing as the Wawa and for QuickChek.

MR. MCGROARTY: No but I think that that's a very interesting question because it is in a way the same thing and then you get into that tangle of what's fast food?

MR. VAN NESS: Because that changes you're parking requirements.

MR. MCGROARTY: And we regulate fast foods separately but I'm the first to concede you know the real world goes on and zoning catches up all the time. I mean so I don't know could a store like that be converted to a Taco Bell or some other fast food?

MS. COFONI: How is it any different than going in and getting whatever those (inaudible) tickets are (inaudible) you know what I mean?

MR. SCHAECHTER: If you take Route 31 towards Route 78 there's a BP they have Pizza Huts in there.

MR. MCGROARTY: Yeah but do they have them in the little mart itself?

MR. SCHAECHTER: Yeah.

MR. MCGROARTY: They do?

MR. SCHAECHTER: They're kiosks they're like the (inaudible).

MR. MCGROARTY: Oh yeah you go in the store and then it's

MR. SCHAECHTER: And then there's a counter.

MS. JOHNSON: Some of them you go in they're not so tiny.

MR. FLEISCHNER: You don't eat in those.

MR. SCHAECHTER: No they're just kiosks.

MR. FLEISCHNER: You strictly run and get it and you jump back in your car after you get gas.

MR. MCGROARTY: That's a good thing I mean it's an interesting question. It's like the Target down here where you know when that was approved it's got Starbucks in it.

MR. BEDELL: But there's a Dunkin Donuts by the Exxon I mean that's fast food right?

MR. MCGROARTY: Well that got variance approval. But ultimately that's an interesting question do you . . . don't take this the wrong way I guess the question is do you care? If it's inside the building whether they divvy it up into these little kiosks like a little cafeteria thing or

MS. JOHNSON: I think that's my concern is the traffic becomes much heavier when you have those kinds of offerings.

MR. BEDELL: But it should not be viewed as a service station.

MS. COFONI: I think those (inaudible) get just as much traffic. I mean the ones that I see that sell any of those like the roll (inaudible) they're constantly selling something. I mean it's just . . . I think they're getting as much (inaudible).

MR. VAN NESS: But you have to keep in mind the rest of the amount of time that the average customer is there. Look at the 7-Eleven in Budd Lake it's got what 8 spots?

MR. MCGROARTY: Yeah, yeah.

MR. VAN NESS: The place is swamped all the time yet you're able to still pull in there, get your parking spot, get your coffee, get your donut, get your People whatever but you're in and out and they still do it with 8 or 12 spots or something ridiculous. So we were to do it in more at least correctly developed concept we require now, because don't forget in Budd Lake especially there's no way or it's very unlikely that you would fit something like this on one and a half acres because of all the current restrictions for wetlands and so on and so forth. So all those alone are going to probably force these lots to be larger than an acre and a half or an acre. You know because your site will actually have some issues with the back side doesn't it?

MR. SIMOFF: Yeah we've got to get a permit to fill some isolated wetlands.

MR. VAN NESS: So this doesn't come easy just to fill in an acre and a half of building we just can't do it. So there are a lot more restrictions than just having a postage stamp one and a half, two acre lot.

MS. COFONI: As I see it to Scott's point maybe the bigger issue is not whether or not they sell Pizza Hut or a mini McDonalds or something but whether or not they have seats. Because that's going to extend the amount of time they're there and that would certainly impact . . . I wouldn't have even have thought of that.

MR. SCHAECHTER: And again what Scott said is you know you have to have the right number of parking spots, you have to have the, you know so all of that will be flushed out.

MR. MCGROARTY: Yeah but again even like the one in Hopatcong right I mean that has seating, and the one in East Amwell has seating.

MS. COFONI: I mean we'll just change parking requirements right?

MR. SCHAECHTER: Yeah but when you're talking about seating it's like three tables I mean we're not talking about seating for 50 people or seating for a dozen people and it's like walking in the (inaudible) the same old guy that's sitting there reading the paper.

MR. NELSEN: I wanted to say I'm impressed with Brian and Chuck in knowledge of Wawa's.

MR. SCHAECHTER: You know what we're road warriors.

MR. FLEISCHNER: But you know the reality is what Scott is saying is really important because thinking of the Wawa that is . . . it's a QuickChek, I'm thinking of a QuickChek on Route 31 not the Wawa I'm sorry. But there's a QuickChek when you get off of Route 202 and get onto Route 31 going towards Philly there is a QuickChek there that's similar to (inaudible).

MR. SCHAECHTER: It's almost in Titusville (inaudible).

MR. FLEISCHNER: And that has a few chairs it's the same size as Wawa it's a nice size, it has gas pumps and everything. But the way the parking is when you pull straight into the store and park you have to be careful when you're backing out of there because people are in the gas lanes. Otherwise you're going to back into a car that's at the last gas pump.

MR. SCHAECHTER: You also have to remember that section of Route 31 is nowhere as busy as Route 202 or Route 46.

MR. FLEISCHNER: Correct.

MR. SCHAECHTER: I mean at that point Route 31 is a one lane in each direction.

MR. NELSEN: Chuck how big would you say that one is?

MR. MCGROARTY: You know I'm not sure how big it is Dan I'm going to say maybe it's about 5,000 square feet, 4,000, 5,000 square feet.

MR. NELSEN: The entire lot?

MR. MCGROARTY: Oh no the store. The lot I thought was less than an acre but I'll have to check because I may be wrong.

MR. NELSEN: I'm curious what you would say would be ideal.

MR. MCGROARTY: I like that site, I'll tell you one thing about that site again that's the one where it's a little crazy in terms of people coming from the gas is here the store is here and there's movements between but you know what I've never seen an accident there and today as a matter of fact a tractor trailer is on the one side of the building and it just blocks off all of the spaces while it makes a delivery. But you know what I mean people still find a place to park and go in and life goes on.

MR. SCHAECHTER: That QuickChek is no bigger or smaller than the one that's on Route 206 going into Chester. It's about the same size.

MR. MCGROARTY: Which . . .

MS. NATAFALUSY: The one on the right side?

MR. SCHAECHTER: The one on the right side if you're going into Chester. Maybe it's a little bigger . . .

MR. MCGROARTY: I think the interesting thing would be . . .

MR. SIMOFF: Chuck doesn't their pro forma have a lot size on it?

MR. MCGROARTY: You know I was looking for that Hal I didn't see it.

MR. SIMOFF: I thought it was 2 acres.

MR. MCGROARTY: You know it probably does I just can't read it because it got shrunk. Is it 2 acres? Is it 200 by 200 something like that?

MR. SIMOFF: If you look on their website . . .

MS. NATAFALUSY: Catherine has the (inaudible) down there.

MR. MCGROARTY: I think the question though is . . . you know it's an interesting question so you try and limit the kind of products that are inside. I mean Tiena or somebody I think mentioned about drive-thru I mean if you say no drive-thru there.

MS. NATAFALUSY: It is 2 acre.

MR. MCGROARTY: Oh how about that.

MR. FLEISCHNER: Well I don't think we necessarily want a drive-thru because then that backs . . .

MS. COFONI: No I would think you would not.

MR. FLEISCHNER: Because then that backs up . . .

MR. MCGROARTY: No I don't want a drive-thru. I would say that that would be one of the controlling factors that you could probably use to you know that might discourage someone. You know you'll get someone; inevitably someone will come in for a variance for that.

MR. FLEISCHNER: All right but they have to present their case and every case stands on its own merits.

MR. MCGROARTY: Now question though before we get to far along on that and get to much in details but drive-thru's have been . . . at least there was that one case where drive-thru's for banks were considered accessory structures or an accessory use to the bank. And so I don't know if that same logic would apply to a retail store.

MR. SCHAECHTER: Would the gas pumps be considered an accessory to the building?

MR. MCGROARTY: Well that's why I think that this kind of use, this is where I think zoning hasn't caught up with what goes on in the real world. And if I were making a recommendation I would say, I would create a new category because you do have service stations still in town that still do, a few of them still do service. But this is different and it ought to recognize that people buy gas or they go to the store they may do both but they don't . . . it's really just make believe to say the store is accessory to the gas or vice versa.

MS. COFONI: No it's a dual use certainly yeah.

MR. FLEISCHNER: Would you say that we should create a separate conditional use?

MR. MCGROARTY: I would look at that. You know I think there's merit to it. The one thing that I get a little bit concerned about is . . .

MR. SCHAECHTER: Or would you feel this is spot variance under the . . . for the Planning Board when they want to put one of these up. Leave it as C-1 have them come in front of the Planning Board.

MS. COFONI: That's certainly an option. Anyone who wanted to do something like this would have to come for a use variance.

MR. SIMOFF: There's a turf war going on between the QuickChek's and the Wawa's and the gas stations. Because being candid Wawa and QuickChek sell the gas much cheaper and they get objections from the gas station operators.

MS. COFONI: That I can see.

MR. SIMOFF: So the intent is to make it a permit . . . like if I could just offer a suggestion. You know Chuck and I talked about a Mini-Mart being a conditional use with 2 acres, well we didn't talk about that but he made a Mini-Mart conditional with 2 acres and he made drive-thru's not permitted the definition of a Mini-Mart is not to permit drive-thru's. Because you might want to put a bank in a C-1 with a drive-thru so you can't bar drive-thru's in the C-1.

MR. MCGROARTY: No we'd leave that use I mean we had CVS actually got a drive-thru.

MR. SIMOFF: Yeah that's what I'm saying.

MR. SCHAECHTER: Dunkin Donuts have drive-thru's right?

MR. MCGROARTY: Yeah but I mean right here the CVS here has a drive-thru. And again my only point was if we say no drive-thru for that kind of use I don't know if we make ourselves vulnerable to an argument when someone comes in and says but there's at least one case out there which says you know drive-thru's are legitimately accessory structures to the main . . .

MR. SIMOFF: You make the definition of a Mini-Mart without drive-thru.

MR. MCGROARTY: Well we could do that I understand but you know . . . well like you said I mean you've got different options, you could make the change or you could just leave it as is and let people make their arguments.

MR. SCHAECHTER: You know the operator of a Mini-Mart doesn't want you to stay in your car you know they might suck you in for the gas because they're gas is a nickel less but they want you to come in for more than just the coffee.

MR. MCGROARTY: Yeah absolutely.

MR. SCHAECHTER: Because they want you to pick up the coffee, and the chips and all of the other stuff that goes along with it.

MR. MCGROARTY: It's a Dunkin Donuts or the Taco Bells or one of those that could be perfectly fine with the drive-thru because they function fine that way.

MS. COFONI: But they're typically not alone in there don't you think? Typically like you don't have a . . .

MR. SCHAECHTER: They're in a corner.

MS. COFONI: They're one portion of the Mini-Mart.

MR. MCGROARTY: I haven't seen them to be honest so it's new to me I didn't realize they were doing that.

MS. COFONI: Yeah my experience has been that they are a portion of it they're not exclusive.

MR. MCGROARTY: Well I didn't see them at all in there.

MR. SCHAECHTER: Well a lot of the Exxon spot market whatever they call it they have it.

MR. MCGROARTY: Okay.

MR. FLEISCHNER: Steve?

MR. BEDELL: What's the size lot? You know like I guess below Sam's there's the Exxon right on Route 46? They have a pretty big lot.

MR. MCGROARTY: That's a Shell.

MR. BEDELL: A Shell?

MR. MCGROARTY: On Route 46 it's 1.27 acres.

MS. COFONI: So Chuck I guess as an initial point for this number two the question is a little more even basic than that. And it gets back to what you started with, do you want to create a new conditional use, do you want to modify the existing conditional use or do you want to leave it alone and let people come in for a use variance. So I guess that's the initial . . . because a lot of these details are going to come out at a later point but that's kind of the initial question, what direction you want to go in.

MR. VAN NESS: To give just an example of the difference to this you know this site, which one is this one again a QuickChek or a Wawa?

MS. NATAFALUSY: It's a QuickChek.

MR. VAN NESS: This QuickChek site is a building of 6,500 square feet and they require 2 acres minimum, they would have a minimum of 40 car parking. Our parking in our ordinance would require 31 spots including the 16 seats inside. So they're already are planning more than what we would require at least with the way our ordinance is written today that's how I calculate it. So it's based on the square footage of the building plus the seats.

MR. MCGROARTY: Can I ask Hal a question?

MR. FLEISCHNER: Yes.

MR. MCGROARTY: Hal you're a traffic expert as well as private property owner, do you see these kinds of uses do they come in in your experience do they actually come to towns and say we don't even care that you want "X" parking they want more because that's part of their product.

MR. SIMOFF: Depends on the location and how you know some operators you know will take a substandard site. I've seen QuickCheks on an acre site you know with a 5,000, 5,500 square foot building.

MR. MCGROARTY: So this is their ideal but they can live with less.

MR. SIMOFF: That's their ideal so I would suggest make it a . . . call it a Mini-Mart make it a conditional use with a minimum of 2 acres and in the definition of a Mini-Mart don't allow drive-thru's within that . . . but if you make it a conditional use then one of the conditions is 2 acres.

MS. COFONI: My personal opinion is it's really two choices. It seems like it's either make it a separate conditional use or don't allow it at all and have them come in for use variances. I mean at least from what everyone is saying it seems like it would be very hard to take the existing conditional use service station and modify it to allow these things to coexist under one use. Because they just aren't similar at all and they're just not compatible. So it seems like you know that option seems to not be realistic. So I guess it's a matter of creating a new conditional use, calling it whatever you want to call it or leaving it as is and let people come in for use variances.

MR. FLEISCHNER: The only problem is that people coming in for use variances I see and I'm just throwing it out there will constantly be dealing with if it's Mini-Marts will have . . . we're going to have the same question every time. You know well I don't want it and obviously the real reason is because I don't want the competition. The same thing when it comes to the gas station, well I don't want it because of this "X", "Y", "Z" but the real issue is because it's competition for me and I don't want competition. I mean that's kind of like I hate to say it but there's a restaurant on Route 206 that for 10 years fought McDonalds coming in because they didn't want competition and the Boards turned them down until eventually it got to the point that if you're going to have a McDonalds in your town you know or a Burger King you know you're just losing business brought into the town. So it's you know do we really . . . is it something we want to deal with over and over and over again or do we want to say yes if you have a larger outfit that wants to come in, I'm not advocating either way, say this is what the standard is. We may say 3 acres whatever it is, 2 acres, 20 acres you know it doesn't matter that's what you have to have if you want to put one of these things in.

MR. BEDELL: If they don't have the standards they can always come in for a variance if needed if he has something defined, that's what the variance is for.

MR. SCHAECHTER: You're mixing two of them up. You're mixing B & C aren't you? It's either you put it in as the usage for the C-1 or they come in for a usage variance.

MS. COFONI: But if they don't comply with those use standards then they'd have a variance.

MR. SCHAECHTER: If they're smart they're going to make it comply.

MS. COFONI: You know I wonder if the difference becomes in today's market with Land Use being what it is encouraging or promoting that kind of development versus you know if it comes it comes if it doesn't it doesn't. And I don't have a real feel for how the Township moves in this direction. But you know if you're really looking, you know I have some of our clients who you know there's areas of town they really want . . . they want to invite certain types of development, it needs certain types of development, they need people coming in and spending in certain areas. And if that's the case then and if this is something you're looking for then maybe the conditional use is the way to go. Because that's probably more likely to result in that kind of development as opposed to people coming in for use variances because I don't know it seems to me that there is going to be a better site down the road that they don't have to come in for a use variance. And that is a lot of money even for you know an Exxon or a QuickChek and that may be just enough for them to go down the road to wherever. You know I don't know that may be . . .

MR. FLEISCHNER: I'm just saying you know sort of like why Target is in Hackettstown or Washington Township and not in Mount Olive. That would have been a nice ratable to have in Mt. Olive.

MS. COFONI: But I don't know if that's even something you guys . . . that's A) you don't need that kind of development in certain areas or B) you don't want that kind but that's something else I think that would maybe sway either way. You know are you looking to invite that kind of development or is it well if it fits the property and it looks good where they propose it and you like what they're proposing and it makes sense and it meets the criteria well then you know you grant a use variance. So maybe that's another way of looking at the two options as well.

MR. MCGROARTY: I would say one thing about the use variance thing, and not to turn this into a little seminar on use variance stuff but if we go through all of this and you get a new Master Plan in place and all that I think anybody coming in at least in the near future should have like almost an impossible task in securing a use variance. Unless it's for some inherently beneficial uses.

MR. FLEISCHNER: Right and that's the purpose of doing this plan.

MR. MCGROARTY: Because if we do all of this work and someone comes in a year from now and says I got something better than your own planning after all of the work that we put into this.

MS. COFONI: That's a good . . .

MR. SCHAECHTER: Well then I think we need a bigger picture and we need to look at that whole corridor instead of . . .

MR. MCGROARTY: Okay the whole Route 46 corridor.

MR. SCHAECHTER: Yes.

MR. MCGROARTY: Okay.

MR. VAN NESS: Which will bring us back to the C-1 kind of conversation. If we're interested in this type of development and we're going to require a 2 acre minimum that's not going to conform to the C-1 requirements.

MS. COFONI: But this will be a conditional use.

MR. VAN NESS: In the C-1?

MS. COFONI: Well I guess wherever you want it.

MR. MCGROARTY: That's the way it is today though.

MS. NATAFALUSY: That's the way it is today (inaudible) 2 acres even in the C -1 zone.

MR. MCGROARTY: I was going to say interestingly as I said the 5 or 6 stations in town that have the small convenience mart, none of them meet the 2 acre standards. They all had to get variances of some sort or another. The Route 46 corridor, and again if you're doing . . . if we did something like this I think it would be, it would fit . . . some of these would probably fit better on Route 206. A little more room and there's not as many conflicts with residential.

MR. FLEISCHNER: Right because it's got to be a bigger piece of property.

MR. SCHAECHTER: It's got to be able to handle the traffic flow and the . . .

MR. FLEISCHNER: And there is more justification for saying in the Master Plan this is where we identified areas to do it.

MR. SCHAECHTER: I mean you can see this down by where the Metro Grill is I mean the perfect spot there's nothing around it.

MR. FLEISCHNER: Right the property is big enough. Rather than somebody coming in and saying you know I've got really ½ and acre and I want to get a use variance. I don't think that's good.

MR. MCGROARTY: Well one way to do it to is we could you know, you know I guess we won't decide this tonight but the direction that everybody is giving is . . . all of these questions are just really very helpful because I think you can come up with a standard if you wanted to and say you know these are the standards and we would want to be very clear about why. You know so if its "X" acres it's because we want this kind of circulation pattern, we want to be able to provide if your adjacent to residential you've got to have a minimum of "X" amount of feet of buffer etc., etc. And if somebody comes in with a lot which is smaller and they can't do a lot of those things you know not to pull the jargon up but they have to provide all of the positive and the negative criteria and we use that a lot. But the negative criteria actually says two things it says I have to get up there and show you that I am not having a detrimental effect on my neighboring properties, I'm not having a detriment effect on your Zone Plan and your Zoning Ordinance. And that's why I'm saying you do all this work and someone comes in and says well you know I can't meet the lot standard and I can't quite make all of the buffers, etc. but I'm okay on the negative criteria and they go through the usual stuff. You know you are having a negative impact on the adjacent properties because we have decided you need a certain buffer that's where you want that language in the Master Plan. I mean I'm just saying it's possible to do I think you could set the stage to discourage people from, it depends on how you view it because your all . . .

MR. BEDELL: But that wouldn't stop anybody from coming in and saying I have this 1 acre property and I would like to . . .

MR. MCGROARTY: Right they can come in but what I am saying is that you and you are the people around this table that vote and you would have, you know obviously you want to make sure your on solid ground but if you have very current language in your Master Plan, reasonable standards and the like and they have to be you know obviously based in solid case law and in the statute the Land Use Law then we have perfect grounds to deny it.

MR. BEDELL: Oh sure.

MR. MCGROARTY: If a project didn't meet the standards. I mean you go through all of this you say we're going allow this kind of use but it's got to meet these minimum standards because we feel without it it's going to have a detrimental effect. The burden is pretty heavy on someone to come in and show that they can do otherwise.

MR. BEDELL: People come in all the time for a variance whether it's . . .

MR. MCGROARTY: Yeah they do.

MR. BEDELL: You know so it's almost kind of like a circle.

MR. FLEISCHNER: But that's why I think it behooves us to say that there is a minimum standard if you want to do this, and I sort of agree with Scott but I'd like to see something that says at least 2 acres. Because if they're going to put in a big you know if someone wants to do it they've got to have at least enough acreage for circulation, for parking, etc. moving a gas truck in and out. I mean that's a concern I have rather than trying to sandwich something in to a tiny little lot.

MR. BEDELL: I agree but it doesn't stop Dan from coming in in two weeks and saying hey well you know I got 1.5 acres let's roll the dice and see what happens.

MR. FLEISCHNER: Right but once we establish a standard that says "X" then we have something that says well the reason why our latest Master Plan says this is what it is because of the fact that we looked at all of these items and felt that this was the appropriate way.

MR. BEDELL: I agree.

MR. MCGROARTY: And I'll tell you a fence is not a (inaudible) that's the other thing. With this 2 acre lot I mean you could picture this on Route 46 some place and the homes right behind it and someone comes in with you know a row of Arborvitaes and a board on board fence and that's the buffer. That's not a buffer, not to a house maybe to an adjacent business.

MR. SCHAECHTER: And they're 24 hour operations and you've got trucks that are idling because they're making fuel dumps and you know. So look at that house here . . .

MR. FLEISCHNER: So I mean my recommendation would be for Chuck to put together a standard with a minimum of 2 acres. Unless somebody feels it should be more or less.

MR. BEDELL: Or what he feels is best yeah he could say hey its 1.7 whatever that number is yeah.

MR. MCGROARTY: Well the current one is 2 for a service station that 300 square foot thing so I think we're . . . but again I'd want to talk to Gene . . .

MR. SCHAECHTER: Yeah I'd go (inaudible) 2 if we're at 2 now.

MS. NATAFALUSY: Could you have a difference if they come in and it's just a QuickChek without the gas? Then would you have a minimum . . .

MR. MCGROARTY: Well then, that's interesting.

MR. VAN NESS: Wouldn't that fall under C-1?

MR. MCGROARTY: That's C-1.

MR. SIMOFF: That's a permitted use.

MS. COFONI: So this would just be applicable to something that's the combination I guess then.

MR. MCGROARTY: Yes.

MS. NATAFALUSY: Right.

MS. COFONI: This conditional use.

MR. VAN NESS: (Inaudible) hybrid.

MS. NATAFALUSY: Convenience, gas hybrid.

MS. SCHAECHTER: With convenience over 300 square feet.

MR. MCGROARTY: Gas included.

MR. FLEISCHNER: So we pretty much agreed I mean of what we say from . . . we go that way so that would kind of discourage for the most part someone, I mean they still can like you said anyone can come back and say I want to get (inaudible) standard to be at least 2.

MS. NATAFALUSY: 2 acres.

MR. FLEISCHNER: 2 acres.

MR. VAN NESS: Minimum.

MR. MCGROARTY: Right and then we can (inaudible) together some . . .

MR. NELSEN: Is there anything in there that refers to the buffering?

MS. COFONI: Well there's nothing in anywhere yet because we haven't created a use.

MR. FLEISCHNER: No.

MR. MCGROARTY: Right we want to look at that Dan because I think you'd want a good buffer standard for this specific thing and the town in the ordinance there's buffer standards but they're pretty you know kind of out of date.

MR. FLEISCHNER: What we do not want is the buffer such as let's say is at the State Farm on Route 46. Its one fence and three trees in front of it and then a house on the other side of the fence.

MR. MCGROARTY: And at least for that it's an office but . . .

MR. FLEISCHNER: Right but if it was a 24 hour whatever.

MS. COFONI: With cars in and out constant.

MR. VAN NESS: But that's the point though in all likelihood though on that lot something like this would never fit.

MR. MCGROARTY: That's right.

MR. VAN NESS: So therefore it would never be used in that way. You're absolutely right about the buffer however, it's not used at night and it's unlikely that those narrow properties which is in the PB zone could ever be used in such a way.

MR. SIMOFF: Well how many lots are there that are 2 acres?

MR. MCGROARTY: In the C-1 zone?

MR. SIMOFF: Yeah.

MR. MCGROARTY: Yeah I don't know. I'll bet you there's a bunch of lots that don't even come to the 1 acre standard. I guess the thought was years and years ago that they would start to merge these properties.

MS. COFONI: Yeah that may happen if they're available to merge.

MR. SIMOFF: Because I can tell you that you know I was approached by Wawa and they went all up and down the strip and they're limited to just a couple of locations.

MS. COFONI: I wonder if there's any that can be merged if they bought two. Because it seems like this type of a use is a big money maker and that it would be worth it combining two 1 acre lots to create this.

MR. SCHAECHTER: Well you could its right across the street its location, location, location to these guys.

MR. MCGROARTY: And the entrance to Route 80.

MS. COFONI: Yeah I mean that's key. So let me ask that actually. So we're talking about the same piece of property we were just talking about?

MR. SIMOFF: Yes.

MS. COFONI: On the 6.75 acres?

MR. MCGROARTY: Well if that went to the C-1 zone . . .

MS. COFONI: And then this would be a conditional use on top of it. Gotcha.

MR. MCGROARTY: Yeah.

MR. SIMOFF: It would be combined because the other thing is that they all want access to the traffic signal.

MS. COFONI: Yeah, yeah, yeah which I would imagine is also a big factor.

MR. VAN NESS: That's the only way your westbound traffic would get in.

MR. MCGROARTY: Yeah exactly.

MS. COFONI: Yeah, yeah.

MR. SIMOFF: So I think that there is limited number of locations that are 2 acres with access to a traffic signal.

MR. FLEISCHNER: Okay so shall we move on then?

MS. COFONI: Yes.

MR. MANIA: Hal is leaving.

MR. FLEISCHNER: Okay number three accessory apartments.

MR. MCGROARTY: Accessory apartments.

MR. FLEISCHNER: The RR-AA and RR-A zone districts. Okay Chuck.

MR. MCGROARTY: All right we're doing well. All of . . . the accessory apartment discussion may be they may pull the rug out from under us, that is the government of COAH because this is predicated on us having and we do have money in the Housing Trust Fund to use for this and we're working right now to prevent the State from taking the money away from Mount Olive and I believe we have the basis to do that. But for the moment, what it means basically in the 3 and 5 acre zone districts or that was what

the Ordinance Committee thought it made sense which is you know the largest residential zone in the town that we would allow existing homes to convert a portion of the dwelling for an apartment so in a sense it becomes a two-family.

MR. BEDELL: Same structure.

MS. NATAFALUSY: Yes.

MR. MCGROARTY: Same structure. For only for apartments or when I say one apartment per dwelling not multiple just one apartment per dwelling. Only for an apartment unit that would qualify for a COAH credit. So either a low or moderate income household and there's lots of stuff to explain how that's determined but I'll spare you all of that for the moment, really what we would be talking about is a limited number of opportunities to do that. And I think all of which is controlled by the Housing and Fair Share Plan that we submitted to COAH and so on. A homeowner doing this, let's say Dan if you were to do this in your house you would be eligible to receive from the town through the Trust Fund \$20,000 if you were to do that and create a moderate income unit, or \$25,000 if the household was a low income unit. And you can do whatever you want with the money I mean there's no restrictions on that. It's just it's like an incentive that's built into the COAH rules and we have applied to COAH to use this program to satisfy some of the towns affordable housing. And now we're limited to the number of apartments that we can actually do under the COAH rules and I think we've said 16 but in the real world we're limited by the amount of money we have. Because obviously the town is not going to take \$20,000, \$25,000 from taxpayer's money, this is from the Trust Fund money that developers contributed to Mount Olive over the years. So this would have to be a very specific conditional use standard that's created and we've sat we've talked with the Health Department they have some concerns about septics and whether that would (inaudible) and that to some extent it's a self limiting kind of program because you know if you live in a 3 acre zone, a 3 acre lot and if you convert move over the garage or wherever for an apartment, and it could be for just one person it doesn't have to be for a whole family. But your septic has to be enlarged you may not want not want to do it because it just might not be worth it to you. And we certainly don't want to create situations where we have two septic systems on one lot. I don't think any homeowner is going to really go for that anyway. So it's probably going to be a fairly limited program here, I can tell you in Tewksbury they've had phenomenal success with this but they have big farms and also what they've done is on all the, on the farms they converted rooms in the barns for it.

MR. BEDELL: Didn't this come up like two or three, four years ago?

MR. MCGROARTY: No.

MR. BEDELL: This kind of all sounds familiar.

MR. MCGROARTY: I would say no because the (inaudible) buffering under COAH is a very specific program but we did Steve talk about trying to use existing apartments in town as COAH units. That's probably what you're thinking of.

MS. COFONI: Chuck what do you think the likelihood is of anyone doing . . . I just picture someone owning 3 or 5 acres in Mt. Olive not looking to get an apartment on their property.

MR. VAN NESS: A low income tenant would have to be approved by the State.

MR. MCGROARTY: Be approved by someone who is contracted, an agent for the town. Right an administered agent yes but Scott's right they would have to be qualified.

MS. COFONI: But my point is you don't want to make it an official use if this isn't going to happen. You pay a lot of money to have a 3 or 5 acre lot in Mount Olive and I wonder if someone that has that kind of money or spent that kind of money is looking to have an apartment in their house.

MR. MCGROARTY: You know here is my answer and it's on the record and its part of public discussion and I'm not shy about saying it, I don't really care and I'll tell you why. Because if we have a program in place at least an ordinance and the town has Frank Piazza from Piazza assist as the administrative agent who does a lot of the COAH stuff. When we can credibly demonstrate to Trenton that we have a program in place, it may not be successful and we're going to have to answer for it eventually, you know we can't just sit with the money in the bank and if two, three, ten years go by and this program is not successful we're going to have to find something else. But if we at least have the program in place the money is protected to a certain extent and we get at least in our initial COAH plan

we can show we can meet . . . admittedly it's a drop in the bucket it's only 16 out of 505 affordable units. I don't know if anybody would do it Tiena but maybe if two do it then at least we have something.

MS. COFONI: You answered my question 100 percent. All right then that explains it.

MR. BEDELL: Related to the homeowner or it has to be an unrelated person?

MR. MCGROARTY: I'm not sure Steve I'm not sure.

MS. COFONI: Well you'd have to be approved so you can't just . . .

MR. BEDELL: Qualify yeah but wouldn't a relative qualify?

MS. COFONI: I don't know how they . . .

MR. MCGROARTY: COAH is in Trenton they're not involved in this but Scott's point earlier there's a person now you have contracted with he's called the administrative agent and he has to do certain things. He has to follow certain procedures to do tenant screening. Now when it's a person who lives in your home you have no discretion then let's say if you owned an apartment building and you just have to go through a lottery system to bring in affordable households. So it's your house you do have some choice but Steve to your question there are places where people have tried to manipulate the program so that they reject the first ten candidates because the eleventh is a relative. And you know it's got to be done with the kind of integrity that (inaudible).

MR. NELSEN: Did you say that you could not do this explicitly with the intention of moving in your in-laws or . . .

MS. NATAFALUSY: They have to qualify.

MR. MCGROARTY: Yes but Dan what I'm saying is, and this is where there is a certain amount . . . there's a manual that's drawn up and discussions that would take place with the homeowner so he or she realizes please understand you know you might want to bring in let's say your brother-in-law I don't know whoever, but you know that doesn't mean you get to reject the first eight candidates if they come in first. You know there's a list and these people might qualify and if their . . .

MR. NELSEN: So you'd have to go off of this list then you couldn't just pick your own person you want to put in there.

MR. MCGROARTY: You have to go off the list but you do have some more discretion then you would if you were like a landlord, an absentee landlord.

MS. COFONI: I think the key here is, and I think some of these question relate to what I was thinking and that is (inaudible) that anyone is going to want to do that and I think Chuck's answer answered it completely. There's administratively, reasons for doing this as well and we hope that it works and we hope there's people that do it but administratively this is a smart move . . .

MR. SCHAECHTER: Yeah if no one takes the opportunity to participate in the program then that program is great.

MR. MCGROARTY: And by the way nobody gets to come in and say well you what I'm going to look for a variance from the Board because I really don't want to make it an affordable unit, and by the way I won't even try and get money from the town I just need a second accessory apartment. Well you ladies and gentlemen decide that question when the time comes but they would not qualify as this kind of accessory.

MR. FLEISCHNER: So I think based on what Chuck had stated that's to Tiena's question, it's really something we should do whether it ever happens it doesn't matter but it also protects the town and it helps the Township.

MS. COFONI: Yeah.

MR. MCGROARTY: Now we have to submit a lot to COAH we're working on this now, the letters came out May 1 they want . . . Governor Christie last year in June, July sent letters to towns trying to take the money back from the Trust Fund. And we've got a lot of stuff in place here in Mt. Olive you

know we've got a lot of things lined up to protect that money so I think we're in good shape. But we'll move ahead with this if the State says they want to take the money back we'll fight them later.

MR. FLEISCHNER: Right I think that should just be incorporated in your report you could say that this is being done.

MR. NELSEN: How much money we talking about?

MR. MCGROARTY: There's 1.2 or 1.3 million dollars in . . .

MS. NATAFALUSY: They want 1.3 million now, that's what we have as of July.

MR. MCGROARTY: And that money is committee to various projects in Mount Olive.

MS. COFONI: There's region wide efforts to prevent that from being taken away . . .

MR. FLEISCHNER: This was just on Channel 13.

MR. MCGROARTY: This is not against Mount Olive, it's not just Governor Christie. When the Legislature passed a bill back in 2008 and said it's a very long bill and many, many things in it but one thing said from the date of this act which was July 17, 2008, within 4 years you have to commit. And that's the words used the money in your Trust Funds or the State can take the money back and use it for the Statewide Affordable Housing Trust Fund. And so now all of our attorneys are fighting over what commit mean. And the Attorney General's office (inaudible) attorneys to COAH is saying you have to have certain things or it's not a commitment.

MS. COFONI: Ed and Kelly were on a two hour conference call about it today. I don't know the details because I wasn't in it but I know there's big efforts being made now.

MR. MCGROARTY: Right. I mean again I think in Mount Olive we're in good shape, we've worked hard we wanted to line things up and make sure that we had contracts and we do have contracts. In fact I saw in the Chronicle today the . . .

MR. FLEISCHNER: We got \$50,000 to the house on Lozier Road.

MR. MCGROARTY: The Habitat house that they built. Good all right.

MR. FLEISCHNER: I am for it.

MR. MCGROARTY: All right.

MR. FLEISCHNER: Small World Energy. Chuck?

MR. MCGROARTY: A couple towns have been doing some ordinances; I've been doing these ordinances for a couple of towns. Again there's different ways to do it. Let's start with solar panels and we're talking here not about solar farms you know like Benjamin Moore has, we're talking really just like residential or business. So I guess we are talking about Benjamin Moore because that's for them not held back to the (inaudible). We're creating standards now for solar panels. Now you can do it by ordinance or you don't have to I mean Toys R Us put them on the roof we don't have an ordinance and that's fine I guess it's on the roof. But I think if you want to consider it if we do a solar panel ordinance or a solar energy ordinance and we say we're going to do it just for, as accessory uses for residential and/or business then we can create standards. Now this is fresh in everybody's mind because we just had that one last week or whenever, it was for the two schools and the municipal parking lot here. Now we don't have any ordinance for that but we could create standards if you wanted to.

MR. FLEISCHNER: What is the benefit of creating a standard versus not having a standard?

MR. MCGROARTY: Someone could come in today in a residential zone and argue that they want to put a ground mounted solar array panel system in place for them just for their house and it could take up 300 square feet it depends on the size of the house.

MR. FLEISCHNER: Well what about if they want to put it on their roof which we've seen there are a number of houses in town.

MR. MCGROARTY: And that's fine now I'm not saying you need the ordinance Joe. Where for example in Mendham Borough we did an ordinance they were concerned about what it would like on Main Street in the historic district. Now if that's a concern in Old Flanders or whatever fine, if it's not that's fine too. Because most of these things when there roof mounted their flush anyway, if it's a flat roof you know if it's an angled . . . if it's a flat roof it's going to be industrial most likely or retail, and if it's angled it some towns are real concerned about the aesthetics and other towns like "who cares it's fine."

MS. COFONI: Let me ask you a question Chuck, if someone came in for one on their roof now what would they require?

MR. MCGROARTY: Just I guess a permit?

MR. FLEISCHNER: Just a permit.

MS. COFONI: A building permit?

MR. MCGROARTY: I mean there are there's new State standards and regulations but that's for the Construction Official and Fire Marshall. When you put these things on the roof of your house or business now, they have to meet all kinds of Code, Fire Access and such.

MS. COFONI: Yeah that makes sense. What about if you're putting them in your parking lot or on the ground?

MR. MCGROARTY: See that's right we don't have any standards now, like the car port we just saw here for the municipal building.

MS. COFONI: Yeah I wasn't here for that meeting but I know exactly what it is.

MR. MCGROARTY: Right.

MS. COFONI: So they'd have to come in for what?

MR. MCGROARTY: Well we don't know with Benjamin Moore case we treated them as an accessory structure.

MS. NATAFALUSY: Yeah as an accessory use.

MR. MCGROARTY: Accessory use so Benjamin Moore down on Route 206 in their parking lot they have these carport structures with the panels.

MR. BEDELL: But that wasn't their initial plan though.

MR. FLEISCHNER: Right.

MR. MCGROARTY: No but it doesn't matter.

(INAUDIBLE – EVERYONE TALKING AT ONCE)

MR. SCHAECHTER: They had the whole field too.

MR. MCGROARTY: They had the field behind them where they have a solar array farm just for themselves but it's a fairly large area and as Steve said they didn't intend to do anything in the parking lot it just, they were confined by wetlands and Highlands so they did the carports. Now you know . . .

MS. COFONI: But what did they have to do for that? Was that a site Plan?

MR. MCGROARTY: Well yes because of the . . . it was in fact in front of the Zoning Board.

MS. NATAFALUSY: Yeah it was in front of the Zoning Board.

MR. MCGROARTY: Because they were using . . . I don't remember all the details but yes they did have to come in. But when Toys R Us put them on their roof they didn't come here.

MS. COFONI: Right.

MR. FLEISCHNER: Let me just make it simple let's see by a show of hands how many on this Board think we should have standards or how many

MR. MCGROARTY: We can do that. If someone comes in for a solar array field on their property they could probably just do it as an accessory structure today with a zoning permit.

MR. VAN NESS: Excuse me. Wasn't there discussion that it doesn't count as impervious coverage?

MR. MCGROARTY: It doesn't count, that's right when the Land Use Law was changed so that we can't count it as impervious surface.

MR. VAN NESS: And that's where I have a problem with it. I mean if my neighbor wanted to put you know 40 of these giant panels in his backyard which he won't be able to get it passed the Homeowner's but wherever some of you all . . . like one of your neighbors wanted to fill their backyard with solar arrays and it doesn't count as impervious coverage then what's to stop them?

MR. MCGROARTY: Yeah I've heard some people argue can it still apply building coverage for them but I think that's getting . . .

MR. BEDELL: I think the roof is one thing but the backyard the side yard is a whole other story.

MS. COFONI: But we may not be able to change that. I'm not familiar but you said it's the statute so we can't even with our ordinances we wouldn't be able to change the fact that that's not counted as impervious coverage.

MR. VAN NESS: Right but we can restrict them otherwise.

MS. COFONI: Yeah oh yeah.

MR. MCGROARTY: If you don't allow them on the ground then they're not allowed. But if the ordinance is silent on it then if someone comes in to Catherine or to Scott I think they could say it's an accessory structure.

MR. VAN NESS: But the problem I'm going to have with the accessory structure is that I can only limit it to setbacks because I have no coverage. Or I'm going to have coverage of what maybe . . . I probably can't use even that the posts.

MR. MCGROARTY: You can't include it for impervious surface or impervious coverage.

MS. COFONI: So you're limited to setbacks so someone with a big property could do a lot of solar panels.

MR. MCGROARTY: What's interesting though is when they drafted this and they adopted it it's an ordinance requirement approval by the Planning Board it will be either subdivision or site plan or both. That's when that kicks in. So what if someone doesn't need site plan approval and (inaudible).

MR. FLEISCHNER: So I go back to the question, how many of us feel that we then should have an ordinance that regulates the use of small wind or solar array ordinance.

MR. MCGROARTY: Well keep the wind out for a second because that's a separate issue. Now so when you take a show of hands keep in mind for non-residential we haven't seen really many of them except Benjamin Moore but they're becoming more predominant, at least I've seen them is the carports.

MS COFONI: You see them all up and down Route 10 now.

MR. FLEISCHNER: First is that we want an ordinance that will regulate this.

MR. VAN NESS: I'm only concerned about yards.

MR. FLEISCHNER: I understand that.

MR. VAN NESS: No roofs.

MR. FLEISCHNER: Yeah we understand that.

MR. MANIA: Well speaking of roofs is there any restriction as to the age of a roof?

MR. SCHAECHTER: Yeah they won't typically put them in if your roof is over 10 years old.

MR. MANIA: Is that right?

MR. VAN NESS: They just did the Budd Lake Fire House how old is that roof on that fire house?

MR. MCGROARTY: They did the fire house? That's interesting because they told us . . .

MR. SCHAECHTER: I said typically they wouldn't do it.

MR. VAN NESS: But that was the testimony for all this stuff and yet Budd Lake Fire House . . .

MR. MCGROARTY: I know one of things too that technology is getting to the point they're talking about now they're going to even change the panels to like a fabric material.

MR. FLEISCHNER: So Chuck I would say that we as a Board the consensus is that if you could put together based on whatever townships are doing, some kind of ordinance that would protect us especially what Scott is saying on ground.

MR. MCGROARTY: Yeah I can pass it around I did . . .

MS. NATAFALUSY: I have it back in the office.

MR. MCGROARTY: Okay well you can circulate it when you get a chance. Okay then on the wind, we can do that and then you can kick that around and decide you know we don't care but we don't even have to mention it if you put it on your roof that's your business we just don't want them ground mounted. Or if you are going to ground mount here's what we want to see.

MR. FLEISCHNER: So something we can just read and then get back to you or Catherine.

MS. NATAFALUSY: I can go and get it if you want.

MR. MCGROARTY: Then I'll just hold off on the wind because you can see that in the wind are these towers, blades, etc. lots more restrictions. If you do adopt an ordinance we to follow a whole number of standards that in the State Land Use Law.

MR. FLEISCHNER: And the only thing that I would caution if you know anybody who lives in Pennsylvania, we probably all do where there may be some of these wind turbines, give them a call they are noisy ask them about the thump, thump, thump to be 24 hours a day. And you can feel it up to a mile, mile and a half away.

MR. BEDELL: You need big buffering for that.

MR. FLEISCHNER: Yes. So I think you know that's something I don't know if within the township if we really I mean I know . . .

MR. SCHAECHTER: I would say you'd have to put a wind farm in.

MR. MCGROARTY: We'll distribute the ordinance the idea again is that these would be accessory not creating wind farms and the like. You may find, and I don't know if you are on the environmental commission Joe if there's been discussion, towns are pushing these ordinances now to get the sustainability credits.

MR. FLEISCHNER: I understand that yes. Versus living near one is two different things.

MR. MCGROARTY: And by the way most people, many people you know in the time I've been doing this the only one I've ever seen on a residential property was in Bethlehem Township in Hunterdon County on top of a mountain and the Board denied him. It was a number of years ago now but for most people if you're not in a place where you're going to be with the proper wind flow and these things are extraordinarily expensive not only to build but to maintain. I didn't realize this there's a whole like industry is the wrong word but there are these guys or whatever the tree climbers and all that, they have this whole specialty climbing these things to maintain the blades.

MR. FLEISCHNER: Okay number five continue

MS. COFONI: So what were we doing with the, I'm sorry . . .

MR. MCGROARTY: We're going to distribute the draft ordinance so everybody can mark it all up and then . . .

MR. FLEISCHNER: Mark it up and get back to Chuck or Catherine.

MS. COFONI: So that was for the wind too?

MR. MCGROARTY: Yes Tiena I combined it as wind and solar but you don't have to do it that way. It's just easier you can look at them together and you can see that

MR. FLEISCHNER: Okay continuing care as a conditional use in the R-6 zone.

MR. MCGROARTY: Back to the R-6 zone it doesn't have to be just the R-6 zone it has nothing to do with Hal Simoff but during the ordinance committee a thought came up, the R-6 zone which is still an age restricted zone although his project got converted. What about introducing another use whether it's assisted living or this continuing care retirement which is a continuum and I have some stuff here if you want to look at that, as another possible use for that zone district. It doesn't mean Simoff or whoever owns it would ever do it they might want to do a combined thing it's just another option to consider. Why that zone and not other zones? Well you certainly could consider that zone and the R-7 zone which is down across from the golf course in Flanders which is the Marveland Farms site which also has residential approval. Both sites have access to water and sewer central water and sewer, public water and sewer and we have one assisted living/independent living complex in town Paragon Village and of course we have the senior building down on Flanders-Bartley Road. But it's just an idea and . .

MR. FLEISCHNER: Do you think it's worth having in case someone decides you know the economy will dictate what gets built but a continuing care is where you own your own condo and then you could move into assisted living and then ultimately if you need it. And only 7 percent of all seniors actually end up in a nursing home so when they try and sell you the other insurance just you know be careful what you spend because all of a sudden 7 percent . . . So anyway I think it's something simple that we could do but it creates an option because you never know maybe Marveland ultimately might not get built for whatever reason and the same thing with Mr. Simoff's property. But it's something that's there and it allows for it to happen.

MS. COFONI: And it will allow all three of those.

MR. FLEISCHNER: Yes.

MR. MCGROARTY: Yeah but (inaudible) and I like the continuing

MR. SCHAECHTER: That's great for down by Marveland Farms.

MR. FLEISCHNER: I think it's something (inaudible) you can just put it in and I you know (inaudible) all agree I think it's something to say . . . we could also say as a township you know we encourage something like this.

MR. MCGROARTY: In both zones?

MR. FLEISCHNER: Both.

MR. SCHAECHTER: Yes.

MR. MANIA: Yes.

MR. MCGROARTY: At least initially. Okay good.

MR. SCHAECHTER: Yeah they have like West Caldwell has it they have (inaudible) go on Passaic Avenues, very successful.

MR. FLEISCHNER: Thirty years from now we'll all be sitting around the same table, same people.

MR. SCHAECHTER: And we'll be reintroducing ourselves.

MR. FLEISCHNER: Okay let's move on to one of Howie's favorite topics it's a shame he's not here for this. Electronic message board signs.

MR. VAN NESS: I don't think we should even address it.

MR. MCGROARTY: Well the only reason I left that on I mean is like I said these are sort of the six that I thought would be useful to talk about. Sooner or later we're going to start to see more of them. And I use this now as an example if your, well I live over in Long Valley the next town over, if you go down Naughtright Road a little bit there's a church on the left side and they've got a sign now that turns out to be not authorized but be that as it may and it's in a residential area. And that too has been toned down because when they first put it on it was green and red lighting and all kinds of stuff in it and you know it's not even that big but at night there's nothing else around it lit. So everything gets lit up by it.

MR. FLEISCHNER: It's like the sign when you ride through here.

MR. MCGROARTY: Now the High School sign I mean I don't know what you folks think of it I think it's pretty nice. Because I don't think we've ever had complaints from the residents nearby and I think The Mall at 206 sign is also pretty nice. I don't see that as a problem. So it's one of those things its late you don't want to talk about the details now but I think it's worth considering if you want to deal with it now is a good time because you can build in again just like we talked about earlier in the Master Plan a lot of standards and I go down to the sign industry has their annual thing every year and I noticed in the talk of these people they are all for, and I say they the manufacturers and these various electronic message boards, they will tell us in any literature out there it will say you can regulate these kinds of signs all kinds of ways and they're perfectly fine with that.

MR. VAN NESS: And that's the question is that how do we regulate it appropriately without being too restrictive or being too generous.

MR. MCGROARTY: Right. In fact one of the things that they have some of the better in my opinion the better electronic message board signs is to have a meter built into them for ambient light and that controls it. So on a stormy day you know it will generate more light, on a sunny day it tones it down, at night it regulates it. And it can get pretty sophisticated in terms of . . .

MR. FLEISCHNER: Can that be mandated into an ordinance? Can you do that?

MR. MCGROARTY: Yes I believe we can, they've been doing this across the country and they actually have model ordinances that they offer where they show that. And the term is Nits I don't know why but it is that's the term they use that is the light standard for the light brightness or whatever bright return is. And I mean obviously it needs someone or people who understand that which I'm not but you know to be able to regulate that. But as I said it's one of those things where it's an industry that doesn't look like it's trying to rough shot, they're perfectly happy to have controls on it. But apart from the light, the brightness and so on one of the other things is if you don't have any standards and someone comes in for a sign, again Scott, Catherine is going to have to figure out how they're going to regulate it to the extent (inaudible). They may have flashing displays across it I mean you've seen the signs some of them can do really fancy stuff.

MR. FLEISCHNER: Could I ask then that maybe you, Scott as a Code Enforcer sit together and come up with you know this may all be in here I mean looking at this much of it is but something that we're all confident that we can actually regulate. Because we don't want to put things in that you know is almost impossible to regulate.

MR. MCGROARTY: Right.

MR. FLEISCHNER: And somebody is going to say they're going to do something and then all of a sudden who knows what we get. So maybe the two of you or and Catherine the three of you.

MR. MCGROARTY: We can. One thing just everybody keep in mind because I'm sure we don't have to discuss or decide anything now, is just think about if we allow it and you allow it like in the commercial zones and we can even say you have to have a minimum size lot or setbacks and control the size. But you might start seeing if we allow it you might start seeing a lot of them going Route 46 and Route 206.

MR. BEDELL: How do you stop that though?

MR. MCGROARTY: Which why I'm saying . . .

MR. BEDELL: Yeah I know.

MR. SCHAECHTER: Once it's out of the gate.

MR. FLEISCHNER: Right.

MR. MCGROARTY: So right now

MR. VAN NESS: Our ordinance is still relatively restrictive on them because if they put this up then they have to have specific approvals for this. It's nothing that I can just do as the Zoning Officer.

MR. MCGROARTY: No but I mean if someone comes . . . that's right I mean they're still bound but today someone says we don't have any regulations on an electronic message board someone could say I'm perfectly entitled to it. I mean after all the High School has it; The Mall at 206 has it . . .

MR. FLEISCHNER: Town Hall has it they didn't get a permit.

MR. VAN NESS: Yes they did.

MR. FLEISCHNER: Oh okay.

MR. MCGROARTY: Well I'm just saying one of the tricky things is if you don't allow it then it may happen anyway and you have no controls, if you do allow it you just want to think do you want to allow it in the commercial zones or we'll have to sort of kick around some restrictions.

MR. FLEISCHNER: Well again what I would like to proceed or the way I'd like to proceed is that if you put something together and then you can email it to each of the members and then we can comment on it. Because I know we've said many times oh we're going to get to it, we're going to get to it and the months slide by and we never get to it and then all of a sudden you know we're still talking about the same plan and it's now October, November.

MR. MCGROARTY: Well just take a look then when you have time under 6 and see if some of those things seem okay to you or don't. Because those are some of the

MR. VAN NESS: Do you happen to grab any of those sample ordinances?

MR. MCGROARTY: Yes.

MR. BEDELL: Were there height restrictions?

MR. MCGROARTY: We can there are now on signs. You could always put height restrictions on signs and so the answer is yes.

MR. SCHAECHTER: Are there standards that the industry uses? You talk about these Nits but do they recommend you know a light between this you know between this and this, we shouldn't exceed that or you know is there you from 400 feet away it should be seen I mean any kind of standard like that?

MR. MCGROARTY: Yes. I sent some of that around in the memo, now that it's fresh in our minds I will pull some of that stuff back out. They do a lot of testing out in Penn State they have a whole complex out there and they do exactly that. You know visibility from certain distances.

MR. SCHAECHTER: And then is there something that we can give our Zoning Officer and Code Enforcement so he can go around with a light meter?

MR. FLEISCHNER: When would you like to see like to see something . . . when do we have to get this . . . when does this whole report have to be done?

MR. MCGROARTY: There's no deadline Joe.

MR. FLEISCHNER: Can we set a deadline so that we get it done?

MR. MCGROARTY: The one deadline that we do feel pressured by is the accessory apartments. And originally we thought and we'd just keep that in with all the rest of the stuff but the sooner we get that on the books the better we're going to be.

MR. FLEISCHNER: So I think that's done we all agree that it's something we want to do.

MR. MCGROARTY: Yeah the problem is that to make that kind of a change if we don't do that as part of a Reexam Report we're going to have to notice probably everyone in Mount Olive.

MR. FLEISCHNER: Right so when would we need this done by so you can get that in? You tell us and that's what we have to do.

MR. MCGROARTY: Well realistically . . .

MR. FLEISCHNER: By the second meeting in June?

MR. MCGROARTY: Oh yeah. I mean I think the accessory apartment we're just going to have to pull that out and do it separately.

MS. COFONI: Can you do that?

MR. MCGROARTY: Well I would do it as part of a . . .

MS. COFONI: Independent Reexam Report?

MR. MCGROARTY: Yeah. And the reason why I feel comfortable doing that Tiena is because we've already identified it in a part of the Master Plan which is the Housing Element and Fair Share Plan (inaudible). And the Township Council obviously (inaudible) Spending Plan that you mentioned so I feel we're on pretty solid ground there. I would have rather left it in here but I think this is going to take a little more time.

MS. COFONI: Yeah I think especially in getting into the details I mean to the extent you have to go to the Master Plan. I mean I don't see it happening by the second meeting of June for all the rest of this stuff.

MR. MCGROARTY: Oh no not the whole document Tiena I thought you meant just like flushing out some of the stuff we talked about tonight?

MR. FLEISCHNER: Honestly I'm going back to when I actually worked and we used to actually set real deadlines, people actually did things and we got things done.

MR. MCGROARTY: I mean I have deadlines every day I mean I can do it I mean . . .

MR. FLEISCHNER: I know.

MR. SCHAECHTER: I mean realistically we have the next meeting and then you have you know one or two others to discuss this and if there's any changes we need to get I mean I think it's unrealistic to have it on the second meeting.

MS. COFONI: Well I think the difference is look at the time that we've spent on all these issues, this is an entire meeting. How often do we have an entire meeting to talk about this? I think that's where it's going to slow down a little bit.

MR. FLEISCHNER: But that's my concern because then what happens is we say we're going to discuss it at the end of a meeting and then Howie hung up on 10:00 at night and I mean I know there's some of us you know it's not an issue you want to stay a little later then stay a little later. We have to get it done.

MR. MCGROARTY: Well Joe we have a draft, the existing draft has been out there and I've been making changes as we go along. We can pull this together with it, you could start the hearings and discussions on it because it's not . . . we don't do a Master Plan Amendment yet. So this can be part of your meetings you're going to have to notice for it and we could have it for the June meeting. I don't know if you're ready to adopt it in June

MR. FLEISCHNER: No we may not but at least we have something that's started.

MR. MCGROARTY: Oh yeah take the draft you already have and if you see anything in there you don't like you should tell us (inaudible).

MR. FLEISCHNER: Right. How do you folks feel about that?

MR. MCGROARTY: Catherine do you have other things on June?

MS. NATAFALUSY: June 13th I have a variance application, just that one and then the 20th we carried Krewinski to. But I'm thinking of taking that variance and putting it on the 20th so we're not here just for one application on the 13th.

MR. MCGROARTY: So then do you want do this on the 13th?

MS. NATAFALUSY: I don't know if we do this on the 13th I'll leave the variance on that night.

MR. FLEISCHNER: I won't be here so you'll be lucky I'll be in Vegas.

MR. MCGROARTY: Well again you can have this on the 20th, you can start it I mean there's no law that says . . . first of all you're under no time table; you're not under the gun to get this adopted. Now you have to do a Reexam every 10 years and we just did one this past year.

MR. FLEISCHNER: So could we just put it on the agenda for the 20th as well just to start the process?

MR. MCGROARTY: Sure, sure.

MR. BEDELL: What else is on the 20th Catherine is there a lot?

MS. NATAFALUSY: There's a use variance for the Flanders Country Day School.

MR. BEDELL: Can you put that on the 13th?

MS. NATAFALUSY: No their architect is not available on the 13th that's why we put it on the 20th.

MR. FLEISCHNER: And right now there's nothing scheduled for August am I correct?

MS. NATAFALUSY: August?

MR. FLEISCHNER: Yeah I know it's

MS. NATAFALUSY: Yeah I don't even have . . .

MR. FLEISCHNER: July what about July?

MS. NATAFALUSY: July we have nothing scheduled. I've got a minor subdivision, I've got a use variance coming in, there's like applications coming in but nothing . . .

MR. MCGROARTY: Well let's keep it to June.

MS. NATAFALUSY: Put it on June 20th?

MR. MCGROARTY: You'll have a draft for the June 20th meeting and . . .

MR. SCHAECHTER: And then if we have to carry it we'll do that.

MR. MANIA: We'll go from there.

MR. FLEISCHNER: But as long as we keep working on it.

MR. MCGROARTY: I think these were the big ones anyway. Feel free to look through the rest of it obviously if you see anything else that doesn't sit well with you or . . .

MR. FLEISCHNER: I mean obviously this will impact Mr. Simoff's issue because that involves a zone change.

MR. MCGROARTY: Yeah I mean I have to flush that out a little bit so . . . you know like I said address the question of spot zoning and all that stuff.

MR. VAN NESS: These examples . . .

MR. MCGROARTY: The list? I probably took a lot of this stuff, I can't remember because I pull them from ordinances, or I pull them from various things or some of them are just from my own experience with stuff. I'm going to have to go back . . . if anybody wants to look go to the United States Sign Council website, it's a great site and they've actually got ordinances on there and they've got . . . I mean they also got really nice stuff if you want to see like examples of these boards. United States Sign Council or USSC or whatever it is.

MR. VAN NESS: And the other one is what is it NITS?

MR. MCGROARTY: NITS and you can download stuff on there you'll see all the stuff on there it's great. Like examples of these message board signs and where they are and all that stuff. And actually there's another website that Joe is looking too that had a lot of stuff on it, there's great stuff out there. One of these boards, one of these electronic message board signs probably 6 by 6 or 10 by 10 I don't know what it was and I walked out and I was like mesmerized it was like a hummingbird and it looked like a movie screen. I don't know if it was real or whatever or animated or whatever but I was like dumbfounded it was so bright and colorful and it looked so real and that was like, that's the state of the art in some of these things. I mean the amount of color and of course it's the LED lighting inside you know granted so it's incredible stuff.

MR. FLEISCHNER: Okay any other discussion on this? Then we'll open the meeting to the public. Open to the public? Closed to the public. We'll have a motion to adjourn.

MR. MANIA: So moved.

MR. FLEISCHNER: All in favor?

EVERYONE: Aye.

(MEETING ADJOURNED AT 9:10 P.M.)

Transcribed by:
Lauren Perkins, Secretary
Planning Department

